

## Chapter 10.08

### BODILY HARM

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#### 10.08.010 Assault.

A. A person commits an assault when:

1. He attempts, with unlawful force or violence, to do bodily injury to another; or
2. He makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to another.

B. Assault is a Class B misdemeanor.

#### 10.08.020 Battery.

A battery is any willful and unlawful use of force or violence upon the person of another. Any person committing battery shall be guilty of a misdemeanor.

#### 10.08.025 Reckless conduct.

A. A person who cause bodily harm to or endangers the bodily safety of an individual by any means, commits reckless conduct if he performs recklessly the acts that cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

B. Reckless conduct is a Class B misdemeanor.

#### 10.08.030 Telephone harassment.

A. A person is guilty of telephone harassment if, with intent to annoy or alarm another, such person:

1. Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication, including but not lim-

ited to making a call or calls and then terminating the call before conversation ensues;

2. Makes repeated, unwanted telephone calls;

3. Insults, taunts or challenges another by use of telephone communication in a manner likely to provoke a violent or disorderly response;

4. Telephones another and knowingly makes any false statement concerning injury, death, disfigurement, indecent conduct or criminal conduct of the person telephoned or any member of his family, or uses obscene, profane or threatening language with intent to cause fear, intimidate, harass or annoy. The making of a false statement as herein set out shall be *prima facie* evidence of intent to cause fear, intimidate, harass or annoy; or

5. Any person who, with the intent described in subsections (A)(3) and (A)(4) of this section, knowingly sends, or causes to be sent, by use of telephone transmission facilities, any electronic text or graphic message or image.

B. Any person committing telephone harassment shall be guilty of a misdemeanor.

#### 10.08.040 Place of commission of offense involving use of telephone.

Any offense committed by use of a telephone or telephone transmission facilities, as set out in section 10.08.030 of this chapter, or its successor, may be deemed to have been committed at either the place at which the telephone call or calls were made, or at the place where the telephone call or calls were received.

#### 10.08.050 Definitions—Crime of stalking— Designated.

A. Definitions.

1. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose but serving no legitimate purpose.

a. The course of conduct must cause a reasonable person to suffer severe emotional distress.

b. Constitutionally protected activity is not included within the meaning of “course of conduct.”

c. “Series of acts” means two or more acts.

2. “Harasses” means knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy or disturb the person.

B. A person is guilty of stalking who repeatedly follows or harasses another person or repeatedly follows a course of conduct against that person with the intent of placing that person in reasonable fear of bodily injury, harm to that person’s family members, or damage to property of that person or another.

C. Any person committing any stalking shall be guilty of a misdemeanor.